Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1979

No. 79-1035

NEW YORK SHIPPING ASSOCIATION, INC. and COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS,
Petitioners,

v.

NATIONAL LABOR RELATIONS BOARD,
Respondent,

and

HOUFF TRANSFER, INC., TIDEWATER MOTOR TRUCK ASSOCIATION and DOLPHIN FORWARDING, INC.,
Intervenor-Respondents

No. 79-1036

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO,
Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,
Respondent,

and

HOUFF TRANSFER, INC., DOLPHIN FORWARDING, INC., and TIDEWATER MOTOR TRUCK ASSOCIATION,
Intervenor-Respondents.

No. 79-1082

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

v.

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO and COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS, et al.,
Respondents.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO

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International Longshoremen's Association, AFL-CIO ("ILA"), petitioner in No. 79-1036 above and respondent in No. 79- above, submits this brief, pursuant to Rule 24 of the Rules of this Court, in support of the petition for a writ of certiorari to the Court of Appeals for the District of Columbia Circuit filed by the Solicitor General of the United States on behalf of the National Labor Relations Board in No. 79- above.

Prior to the Solicitor General's filing on behalf of the Board, the ILA, on January 2, 1980, had filed its own petition (No. 79-1036) seeking review of the same decision of the District of Columbia Circuit. New York Shipping Association, Inc. ("NYSA") and Council of North Atlantic Shipping Associations ("CONASA") had also filed a petition (No. 79-1035) on December 31, 1979, seeking a similar writ of certiorari in the same matter.

Although the ILA does not agree with the factual and legal assertions in the Solicitor General's petition that go to the merits of the case, it concurs that the petition should be granted for the reasons set forth in its own petition and that of NYSA and CONASA.

Petitioners on all the pending petitions agree that review by this Court is necessary to resolve a manifest conflict between circuits which involves the interpretation and effect of both a labor statute of national application and earlier decisions by this Court. This conflict, which has widespread collateral ramifications, subjects different jurisdictions, and sometimes the selfsame ports, to diametrically opposed rulings in frustration of the expressed will of Congress that national labor law be uniformly applied. Until this Court renders a decision, the law is so unsettled in the longshore industry in the eastern half of the United States as to virtually preclude meaningful collective bargaining in forthcoming negotiations necessary to avert the widespread labor unrest which has marked the industry in the past, all to the detriment of the national economy.

CONCLUSION

For the foregoing reasons the petitions for writs of certiorari should be granted.

Dated: New York, New York
January 8, 1980

Respectfully submitted,

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